

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 599

To amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

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## IN THE SENATE OF THE UNITED STATES

MARCH 16, 2009

Mr. CARPER (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE .**

4 This Act may be cited as the “Federal Firefighters  
5 Fairness Act of 2009”.

1 **SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RE-**  
2 **LATED CAUSE OF DISABILITY OR DEATH FOR**  
3 **FEDERAL EMPLOYEES IN FIRE PROTECTION**  
4 **ACTIVITIES.**

5 (a) DEFINITION.—Section 8101 of title 5, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

8 “(21) ‘employee in fire protection activities’  
9 means a firefighter, paramedic, emergency medical  
10 technician, rescue worker, ambulance personnel, or  
11 hazardous material worker, who—

12 “(A) is trained in fire suppression;

13 “(B) has the legal authority and responsi-  
14 bility to engage in fire suppression;

15 “(C) is engaged in the prevention, control,  
16 and extinguishment of fires or response to  
17 emergency situations where life, property, or  
18 the environment is at risk; and

19 “(D) performs such activities as a primary  
20 responsibility of his or her job.”.

21 (b) PRESUMPTION RELATING TO EMPLOYEES IN  
22 FIRE PROTECTION ACTIVITIES.—Section 8102 of title 5,  
23 United States Code, is amended by adding at the end the  
24 following new subsection:

25 “(c)(1) With regard to an employee in fire protection  
26 activities, a disease specified in paragraph (2) shall be pre-

1 presumed to be proximately caused by the employment of  
 2 such employee, subject to the length of service require-  
 3 ments specified. The disability or death of an employee  
 4 in fire protection activities due to such a disease shall be  
 5 presumed to result from personal injury sustained while  
 6 in the performance of such employee's duty. Such pre-  
 7 sumptions may be rebutted by a preponderance of the evi-  
 8 dence.

9       “(2) The following diseases shall be presumed to be  
 10 proximately caused by the employment of the employee:

11               “(A) If the employee has been employed for a  
 12 minimum of 5 years:

13                       “(i) Heart disease.

14                       “(ii) Lung disease.

15                       “(iii) The following cancers:

16                               “(I) Brain cancer.

17                               “(II) Cancer of the blood or lymphatic  
 18 systems.

19                               “(III) Leukemia.

20                               “(IV) Lymphoma (except Hodgkin's  
 21 disease).

22                               “(V) Multiple myeloma.

23                               “(VI) Bladder cancer.

24                               “(VII) Kidney cancer.

25                               “(VIII) Testicular cancer.

1 “(IX) Cancer of the digestive system.

2 “(X) Colon cancer.

3 “(XI) Liver cancer.

4 “(XII) Skin cancer.

5 “(XIII) Lung cancer.

6 “(iv) Any other cancer the contraction of  
7 which the Secretary of Labor determines to be  
8 related to the hazards to which an employee in  
9 fire protection activities may be subject.

10 “(B) Regardless of the length of time an em-  
11 ployee has been employed, any uncommon infectious  
12 disease, including tuberculosis, hepatitis A, B, or C,  
13 and the human immunodeficiency virus (HIV), the  
14 contraction of which the Secretary of Labor deter-  
15 mines to be related to the hazards to which an em-  
16 ployee in fire protection activities may be subject.”.

17 (c) REPORT.—Not later than 10 years after the date  
18 of enactment of this Act, the National Institute of Occupa-  
19 tional Safety and Health in the Centers for Disease Con-  
20 trol and Prevention shall examine the implementation of  
21 this Act and appropriate scientific and medical data re-  
22 lated to the health risks associated with firefighting and  
23 submit to Congress a report which shall include—

24 (1) an analysis of the injury claims made under  
25 this Act;

1           (2) an analysis of the available research related  
2           to the health risks associated with firefighting; and

3           (3) recommendations for any administrative or  
4           legislative actions necessary to ensure that those dis-  
5           eases most associated with firefighting are included  
6           in the presumption created by this Act.

7           (d) EFFECTIVE DATE.—The amendment made by  
8           this section applies to an injury that is first diagnosed,  
9           or a death that occurs, on or after the date of enactment  
10          of this Act.

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